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Sent: Monday, July 28, 2003 2:22 PM
To: Hetty.L.Richardson@maine.gov
Cc: Ted Thompson; Stan Deno; Angela Plott
Subject: Ballast water Issues

Hetty;

I thought the stakeholder group might be interested in the attached article from today's Lloyd's List regarding progress on an international ballast water regime:

Preserving biodiversity
Monday July 28 2003

The decision to go ahead with a diplomatic conference on ships' ballast water and sediments management and controls next February marks a long-awaited breakthrough for the International Maritime Organisation.

It remains to be seen if the planned one-week conference will bring the hoped-for "major and visionary breakthrough in addressing this serious global issue", to quote IMO marine environment protection committee chairman Andreas Chrysostomou.

Although hard labour has been done by the committee's ballast working group, which has met 17 times since 1994, the consolidated draft convention is a complex document and enormous decisions remain to be taken .

Outstanding issues include the future of ballast water exchange and the stringency of the proposed single ballast water performance standard. Further heated debate is also expected concerning the treatment of particularly vulnerable sea areas and the related issue of the IMO's supervisory powers, grandfathering options and the issue of short voyages.

Other concerns remain over the proper balance between shipboard controls and coastal state requirements, and the need to ensure that the vessel's safety is not jeopardised by the new requirements.

A range of guidelines in support of the new convention's inspection and enforcement regime have yet to be completed.

Notwithstanding the many outstanding differing views, the successful adoption of a new international convention is recognised widely as an urgent first step to come to grips with the threatened loss of marine biodiversity from the introduction of invasive species. In addition, there is growing awareness of the threat to human health from the release of pathogens into local ecosystems with limits beyond areas of national jurisdiction.

The draft convention marks the beginning of a precautionary policy for the high seas and as such complies with both the letter and the spirit of the United Nations Law of the Sea Convention. The IMO's mandate was reaffirmed by the 1992 Rio Conference on development and the

environment, and, more recently, the 2002 World Summit on Sustainable Development.

The draft convention pushes the boundaries of best practices by imposing express obligations on states to promote scientific study and research into biologically effective technical solutions. There are real fears, however, that its most devoted authors rely too much on as yet unknown technologies.

Wide differences of opinion remain on whether the new treaty should dictate the development of ballast water treatment systems by means of a mandatory ruling on the phased-in implementation of a single treatment standard.

The dearth of practicable engineering solutions remains the single most significant obstacle to full and effective implementation worldwide. This is not just a major concern for ship owners.

The technological challenges and cost implications will no doubt feature first and foremost in the minds of developing countries in particular as they consider their position next February. However, many countries are already preparing national implementation legislation. The political pressures on the IMO to deliver a generous, dedicated technical assistance programme are therefore quite considerable.

The inter-state transfer of technical know-how is a potentially highly divisive issue that the IMO can ill afford at a time when unilateral tendencies threaten to erode the organisation's exclusive authority with respect to other vessel-source pollution issues.

We must live in hope that the diplomatic conference will succeed in achieving a consensus, even though this may mean steering clear of trying for the ultimate solution to long-term ocean and human health.

Secondly the status of MARPOL Annex VI (AIR Emissions Protocol similar to the EPA new engines requirements) is that 11 contracting parties have ratified (15 necessary for entry into force) and 53.84 % of world tonnage are now required to adhere to the Convention(enough for entry into force).

As I mentioned the US has transmitted its ratification package to the Senate. Upon ratification all vessels calling on the US will be required to adhere to the same standards as under the EPA rulemaking. Two US Senators have introduced compulsory ballast water legislation to be considered this year.

I am curious about one thing. Our remit from the Maine legislature was to look into the issue of sewage and graywater. However our discussion went into all environmental quality issues. Should we continue our across the board discussions?

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